

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JASEN NICKMAN and MINERVA)	CASE NO. 8:09CV05
LAVERNE MONGER, husband and)	
wife,)	
)	
Plaintiffs,)	ORDER
)	OF DISMISSAL
)	
v.)	
)	
MICHAEL CHERTOFF, Secretary,)	
United States Department of)	
Homeland Security; EMILIO)	
GONZALEZ, Director, United States)	
Citizenship and Immigration)	
Services; F. GERARD HEINAUER,)	
District Director, United States)	
Citizenship and Immigration Services)	
in Omaha, Nebraska,)	
)	
Defendants.)	

This matter is before the Court on the Motions to Dismiss (Filing Nos. 6 and 8) filed separately by the Defendants and the Plaintiffs. Having reviewed the motions, I find that the Plaintiffs' motion should be granted and that the matter should be dismissed under Fed. R. Civ. P. 41(a) without prejudice. Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion to Dismiss (Filing No. 8) is granted;
2. The Complaint is dismissed without prejudice;
3. The Defendants' Motion to Dismiss (Filing No. 6) is denied as moot; and
4. The parties shall pay their own costs and attorney fees.

DATED this 4th day of February, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge